

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-20 are pending in the present application, of which claims 1, 6, 11, and 16 are independent.

Noted - Priority Document Received By USPTO

The indication (see Office Action, p. 1) that the certified copy(ies) of the priority document(s) has been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see Office Action, p. 1, and attachment) that the Information Disclosure Statement (IDS) as filed on February 13, 2004 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see Office Action, p. 1) that the Drawings (submitted on February 13, 2004) have been approved is noted with appreciation.

Objection to the Specification

The title is objected as being non-descriptive. By this reply, the title has been amended in order to be more descriptive. Accordingly, withdrawal of the title objection is respectfully requested.

The Specification is objected to because of an embedded hyperlink on page 1. By the foregoing amendments, the specification has been amended to address the objection to the specification, specifically, to remove the embedded hyperlink. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Claim Objection

Claims 7-10 are objected to because of minor informalities. By the foregoing amendments, these claims have been amended to address the objection to the claims. Accordingly, withdrawal of the objection to the claims is respectfully requested.

Claim Rejection Under 35 U.S.C. §101

Claims 16-20 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

By the foregoing amendments, claims 16-20 have been amended to recite (among other things) “a computer-readable recording medium” that stores a computer program, which has been exemplified in the MPEP as being directed to statutory subject matter.

Accordingly, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1, 2, 5-7, 10-12, 15-17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vlodavsky et al.(US 20030161327), hereinafter referred to as Vlodavsky, in view of Liu et al.(US 5530703), herein after referred to as Liu.

INDEPENDENT CLAIMS 1, 6, 11, and 16

Independent claims 1 and 6 recite (among other things) a feature(s) of,

an attribute registering unit to register information about an attribute of packets that are receivable corresponding to a command;

an attribute acquiring unit that acquires information about an attribute of the packet received; and

a reception error handling unit that, upon occurrence of a reception error that there is no information in the attribute registering unit corresponding to the information acquired by the attribute acquiring unit... (Underlined emphasis added).

Independent claims 11 and 16 recite (among other things) a feature(s) of,
executing, upon occurrence of a reception error that there is no information in the attribute registering unit corresponding to the information acquired by the attribute acquiring unit, a predetermined reception error handling routine according to a type of the reception error. (Underlined emphasis added).

The Office Action admits that Vlodavsky does not disclose the claimed features as noted above. Thus, it relies upon Liu's disclosure in column 10, lines 53-55 of discarding a packet if the packet type does not match the filtering process. However, as clearly shown in Liu's FIGs. 3A-B, 4A-C, and accompanying discussions in the Liu's specification, various flags for incoming packets are set based on information found in the packets (see FIGs. 3A-B and accompanying discussion). Once these flags are set, the packets are run through a filtering process wherein the flags are checked against predetermined flag values in the filtering process (see FIGs. 4A-C and accompanying discussion). If one or more flags of a packet do not match with predetermined flag values in the filtering process, the packet is discarded. Thus, all that is needed to discard a packet is a mismatch of one flag (corresponding to only some information in the attribute of a packet) of packet in the filtering process. In contrast, claims 1, 6, 11, and 16 clearly state that not just SOME information is mismatched, but there is NO information in the attribute registering unit corresponding to the information acquired by the attribute acquiring unit.

Hence, the above-noted feature(s) of claims 1, 6, 11, and 16 is a distinction over Liu. Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 1, 6, 11, and 16 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 1, 6, 11, and 16. Claims 2-5, 7-10, 12-15, and 17-20

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ultimately depend from claims 1, 6, 11, and 16, respectively, and so at least similarly distinguish over the asserted combination of references.

Claims 3, 8, 13 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vlodavsky in view of Liu and further in view of Gupta et al.(US 7027394), hereinafter referred to as Gupta. Claims 4, 9, 14 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vlodavsky in view of Liu and further in view of Ptasinski et al.(US 20020041570), hereinafter referred to as Ptasinski.

The Office Action does not rely upon Gupta or Ptasinski to compensate for the aforementioned deficiencies in Vlodavsky and Liu. Hence, the noted feature(s) of claims 1, 6, 11, and 16 (and hence of their respective dependent claims 3, 4, 8, 9, 13, 14, 18, and 19) is also a distinction over Gupta and Ptasinski.

In view of the foregoing discussion, the rejection of claims 1-20 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

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Respectfully submitted,

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By /Tiep H. Nguyen/

Tiep H. Nguyen
Registration No.: 44,465
Phone: 202-285-9782

Fujitsu Patent Center
FUJITSU MGMT SERVICES OF AMERICA, INC.
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